

VZCZCXYZ0002
PP RUEHWEB

DE RUEHRB #0679/01 2181914
ZNY SSSSS ZZH
P 061914Z AUG 09
FM AMEMBASSY RABAT
TO RUEHC/SECSTATE WASHDC PRIORITY 0538
INFO RUCNMGH/MAGHREB COLLECTIVE
RUEHBS/AMEMBASSY BRUSSELS 3210
RUEHLE/AMEMBASSY LUXEMBOURG 0115

S E C R E T RABAT 000679

SIPDIS
NOFORN

STATE FOR S/CT, NEA/MAG AND DRL/NESCA

E.O. 12958: DECL: 08/06/2019
TAGS: [PHUM](#) [PGOV](#) [PTER](#) [KISL](#) [MO](#)
SUBJECT: LANDMARK TERRORISM CASE RAISES HUMAN RIGHTS
QUESTIONS

REF: A. 08 RABAT 0311 (NOTAL)
[1](#)B. 08 RABAT 0178 (NOTAL)
[1](#)C. 08 RABAT 0222 (NOTAL)
[1](#)D. RABAT 0543 (NOTAL)

Classified By: CDA Robert P. Jackson for reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: On July 28, a Sale court sentenced Moroccan-Belgian Abdelkader Belleraj to life in prison (instead of the death penalty requested by prosecutors) for running an international terrorist network. The 34 other defendants on trial with Belleraj received sentences ranging from one to 30 years. While Belleraj and some of his associates undoubtedly had links to terrorism, the link is much less clear for six Islamist politicians, who received sentences ranging from two to 25 years. These six politicians have come to be known in the public and the press as "political detainees" because of allegations that they were arrested for their political affiliation rather than any real connection to terrorist acts. Human rights activists monitoring this case have condemned the trial and the verdict. A family member of one of the politicians sentenced to 20 years called the trial a "farce" and wondered, in the context of celebrations of King Mohammed VI's ten years of rule, "How can this be possible in the new Morocco?" End Summary.

Background

[1](#)2. (C) In February 2008, Minister of the Interior Chakib Benmoussa publicly announced the dismantling of a dangerous terrorist network, masterminded by Moroccan-Belgian Abdelkader Belleraj. Belleraj was arrested for possessing an arsenal of firearms, allegedly to be used to assassinate Moroccan ministers, members of the military, and Jewish citizens. He is suspected of having committed at least six assassinations in Europe, as well as conducting arms trafficking, money laundering, robberies and other crimes (Ref A). The 34 other men arrested in connection with the network were charged with crimes such as "disturbing the national security of the State" and "conspiracy to plot and carry out terrorist acts," the highest crimes under Moroccan terrorism laws.

The Six Politicians

[1](#)3. (C) While there is little doubt that Belleraj and some of his associates have committed grave crimes, the public and media have labeled six of the defendants "political detainees" because of allegations that they were arrested for

their political affiliation rather than for having any real connection to terrorist actions or intentions. While the Embassy and other diplomatic missions do not dispute the prima facie threat from Belleraj, who has a long history of relations with Islamic radicals from Ayatollah Khomeini to Osama bin Laden, there appears to be little evidence that the six politicians had any involvement in planning terrorist acts. Nevertheless, the GOM persisted in trying all of the accused together under the anti-terrorism laws enacted after the May 2003 suicide attacks in Casablanca, dismissing repeated attempts by lawyers to separate the trials of the six from the larger group. As a result, the politicians were charged, like the other members of the group, with involvement in terrorist activity, including plotting against the regime, being a member of an armed group with the objective of destabilizing the nation, and threatening public safety -- among the most severe crimes under Morocco's terrorism laws.

¶4. (U) Five of the politicians affiliated with Islamist-inspired political parties at the time of their arrest were sentenced to 20 and 25 years in prison. Maelainin Laabadla, a Sahrawi member of the national council of the Islamist-inspired Party of Justice and Development (PJD), headed the PJD's commission on the Western Sahara; Mustafa Moatassim served as Secretary General of the Civilized Alternative (Al Badil Al Hadari), a small, Islamist-inspired political party which was disbanded two days after his arrest; Mohamed Marouani and Amine Regala had been, respectively, the Secretary General and party spokesperson of the unauthorized party of the Nation (Al Oumma), an Islamist organization that had been seeking party status; and Abdelhafid Sriti worked as a television

correspondent for Hezbollah's Al Manar.

¶5. (SBU) The sixth politician, Hamid Najibi, a member of the national council of the Unified Socialist Party (PSU), and the only politician not affiliated with an Islamist party, received a suspended sentence of two years. International reaction to the heavy sentences of the politicians has been mostly shock, especially given the skepticism increasingly voiced by the press and public regarding the case.

Political Links to Belleraj

¶6. (C) In the early 1990's, under the reign of King Hassan II, at least four of the six politicians belonged to an organization called Islamic Choice, an Islamic cultural and political organization. For ideological reasons, Islamic Choice eventually dissolved and then split into two smaller Islamist political parties, the Civilized Alternative and the Nation. According to Moroccan government officials, Belleraj and his co-conspirators hoped to use these parties as the foundation of a new political wing of their network, and then, under the guise of political activity, use them to destabilize Morocco (Ref B).

¶7. (C) At the time of the arrests, the Civilized Alternative had been formally recognized by the GOM, and, according to Sidi Ali Maelainin, the brother of Mr. Laabadla, had been encouraged as an alternative to the Islamist-inspired PJD, until the terrorist network was uncovered. The Nation had applied for and was awaiting approval as a political organization at the time of the arrests in February 2008. Because it had not yet received an official refusal, it was on the verge of becoming a party by default, Maelainin said. He speculated that the GOM opposed the recognition of the Nation because it could open the way for Sheik Yassine's Islamist Justice and Good Works Organization (al-Adl wa al-Ihsan or AWI) to enter politics -- a move strongly opposed by the Palace.

A Message to the PJD

¶8. (C) Relatives of the politicians, and increasingly the press, suggest that the arrest of the six political defendants was designed to deter the proliferation of Islamist politicians and political parties, rather than terrorist acts. As reported, shortly after the arrests of the six politicians, even the PJD acknowledged that the arrests may have been intended as a message to stay in line (Ref C). The PJD has denounced the verdicts against the politicians, suggesting that such punishments evoke the authoritarian reign of Hassan II and the &Years of Lead.8

¶9. (C) According to Abdelaziz Nouyidi, a prominent human rights attorney and member of the defense team, the arrest and trial of Islamist political figures was timed to send a clear message to the political parties in the lead up to the June 2009 local elections. "The Palace wanted to remind the Islamists to stay within the bounds established by the King," he said, continuing that an alliance between the PJD and the left would not be welcome. Nouyidi speculated that the inclusion among the defendants of Hamid Najibi of the Unified Socialist Party signaled the Palace's displeasure at the prospect of such an alliance.

Evidence and Irregularities

¶10. (C) According to human rights NGOs, defense attorneys and European diplomats familiar with the case, the state's evidence against all 35 of the accused consisted of the defendants' statements to the police in which they implicate themselves and others, and two seizures of weapons which were allegedly intended to be used to conduct assassinations and other terrorist acts. The defendants initially affirmed their statements before a preliminary judge, but then retracted them before the trial judge, saying they had been obtained under duress or had been altered.

¶11. (S/NF) The judge's written decision on the case has not yet been made available, and it is, therefore, not clear what, if any, other evidence the GOM may have against the accused. The Moroccan Government provided to the Regional

Affairs Office photographs of the seized weapons which included guns, ammunition, silencers, and balaclavas. Despite repeated requests, the GOM did not provide satisfactory evidence to the Mission of a connection between the politicians and the terrorist network. Daniel Bernard, Belgian Legal Advisor to the Government of Morocco, who has closely followed this case, speculated, "Maybe there is something behind the accusations" of the six politicians, but if so, the Moroccan Government has not divulged it to anyone.

¶12. (C) Calling the trial and prosecution of his brother "a farce," Sidi Ali Maelainin outlined for PolOff other irregularities in the case. The judge had repeatedly refused to allow the defense access to files, to call witnesses or to introduce evidence, he said, accusations confirmed by Bernard. In addition, nearly all the defendants alleged that their statements had been altered by the police. The Charge raised these concerns in his June 24 meeting with Human Rights Council Chairman Ahmed Herzenni, who acknowledged the irregularities and promised to review the trial following delivery of the verdict (Ref D).

No Fair Trial

¶13. (C) Calling the trial "pre-cooked," Johan Jacobs, Counselor at the Belgian Embassy, said there is "no doubt" the trial was unfair. Not a single person had been acquitted, he observed, an unlikely outcome given the large number of defendants. He also questioned how an impartial judge could reach a verdict and determine sentences for 35 different individuals less than 12 hours after the closing arguments. He told PolOff that some of the evidence used in

the trial had been provided by Belgium and was written in French and Dutch. Even though the evidence provided by Brussels was accurate and, in some cases damning, Jacobs wondered how the trial could be fair if neither the defense nor the prosecution could understand it. When the defense requested to have the files translated into Arabic, the court ruled that only parts of the files could be translated, orally, during court proceedings. This is a peculiar way of honoring a defendant's right to know the evidence against him, he said, adding, "Some of these guys have real proof against them, but that does not change the fact that the trial was unfair." Sidi Ali Maelainin called the lack of a fair trial "frightening." In the context of national celebration of the reforms initiated by King Mohammed VI over the last ten years, he wondered, "How can this be possible in the new Morocco?"

Comment

¶14. (C) The GOM,s heavy-handed approach taken by the GOM in this case illustrates Morocco's willingness to use its counterterrorism laws to marginalize Islamist-inspired political activities. The nearly universal belief that the verdict of this trial was predetermined by the Ministry of the Interior -- a not unlikely scenario -- highlights the lack of trust many Moroccans have in the justice system. Equally troubling for Morocco's governance reform outlook is the plausible prospect that at least six defendants were tried and convicted for political reasons unrelated to zealous counter-terrorism objectives. If true, this would represent a manipulation of the courts not only for security goals but also to affect legitimate political activity -- a step backward in the political and democratic progress the Kingdom has realized in the past decade. Although the GOM has made great progress in respecting human rights under King Mohammed VI, there is still room for improvement, particularly in respecting non-establishment viewpoints. End Comment.

Visit Embassy Rabat's Classified Website;
<http://www.intelink.sgov.gov/wiki/Portal:Moro> cco

Jackson